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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JONATHAN W. McKINNEY,

9 Plaintiff,

10 v.

11 JOHN MILLS, et al.,

12 Defendants.

Case No. C08-5720BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the  
14 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 8). The Court having  
15 considered the Report and Recommendation, Plaintiff's failure to file objections, and the  
16 remaining record, does hereby find and order:

- 17 (1) The Court adopts the Report and Recommendation; and  
18 (2) Plaintiff's claims against Defendant Pierce County Sheriff's Department are  
19 **DISMISSED WITHOUT PREJUDICE**, and this case is **RE-REFERRED**  
20 to Judge Strombom for further proceedings.

21 DATED this 4<sup>th</sup> day of May, 2009.

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25 BENJAMIN H. SETTLE  
26 United States District Judge  
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ORDER